

Input by civil society to the 2022 Asylum Report

Fields marked with * are mandatory.

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C o l l e a g u e s ,

The production of the *Asylum Report 2022* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2021 (and early 2022) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2021 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please complete the online survey and submit your contribution to the 2022 Asylum Report by **Monday, 21 February 2022**.*

[Instructions](#)

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2021 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2021.

Please ensure that your responses remain within the scope of each section.

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

A parliamentary commission on migration – not limited to border issues - has been launched in April 2021 and has published a report in November 2021. This report recalls that “the violations of rights at our borders have been abundantly documented and denounced” and “it's time to put an end to it”.

In a decision issued in November 2020, the Council of State indicated that European law does not allow to issue a refusal of entry to a foreigner arrested while crossing an internal border or close to it, nor does it automatically deprive an asylum seeker from reception conditions i.e. accommodation. The rules from Return directive must apply. However, in a decision issued in April 2021, the Council of makes a distinction between people arrested after crossing the border, who must be subject to the Return Directive (case law of November 2020), and those who are arrested before crossing the border for whom the refusal of entry is compatible with the European law.

Figures on the number of apprehended persons and refusals of entry at the Italian border are not fully available for 2021 at the time of writing of this report. According to the Border police, 26,000 refusals of entry were notified in Alpes-Maritimes (Menton) in the first ten months of the year, compared to 16,000 in 2019 and 17,000 in 2020. In 2018, the Prefect of Alpes-Maritimes reported that 29,000 migrants were apprehended at the Italian border, down from more than 50,000 migrants arrested at the border in 2017, of whom a striking 98% had been pushed back to Italy. Prefects of Alpes-Maritime and Hautes-Alpes have again issued new decisions denying the access to NGO's but administrative courts of Nice (4 March 2021) and Marseille (16 March 2021), and then the Council of State (23 April 2021), have confirmed the illegality of these decisions. However, the Council of State refused the main request, which was the closure of these places of detention.

In 2021, media reported that 13,254 refusals of entry were notified in the area of Pyrénées-Atlantiques. In the first 8 months of this year, 31,213 refusal of entry were notified at the Spanish land border, up 146% compared to the same period the previous year.

In Mayotte, thousands of people are arriving each year from Comoros and sometimes from African or Asian countries, especially Sri Lanka. In 2021, 6,355 migrants (3,989 in 2020) have been arrested in the sea trying to reach Mayotte illegally according to the authorities.

The registration of asylum claims in France is conducted by “single desks” (guichet uniques de demande d'asile, GUDA) introduced in order to register both the asylum claim and the need for material reception conditions. In 2019, the average time at national level was 5,8 working days. In July 2019, the Council of State has recognised that the waiting time for appointment remained a current issue and urged the authorities to take appropriate measures to comply with the legal time foreseen before January 2020. In February 2020, the average time was around 3,5 working days but exceeded 10 days in Lyon. According to the authorities, the average time was 4 days in 2020 and “less than 3 days” in 2021 .

In the Ile de France region (Paris), the French Office of Immigration and Integration (OFII) operates a telephone appointment system in this region since 2018. According to La Cimade in a 2021 publication, the telephone platform is only operative a couple of hours per day and after 12:00 pm, individuals are asked to call again on the next day as all the appointments have already been booked. As a result, the access to the asylum procedure reaches 1 month on average. In December 2020, 16 migrants supported by 12 NGOs have again asked the court to note that the telephone platform is, for many, inaccessible and constitutes an obstacle to access to asylum applications. In July 2021, the Council of State admitted that legal deadlines were not respected in Ile-de-France due to the telephone platform and forced the State to respect it within 4 months.

2. Access to information and legal assistance (including counselling and representation)

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3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

No improvement to report compared to previous contribution

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

In 2021, 30,223 outgoing Dublin requests have been made by French authorities, compared to 30,963 in 2020 (it differs from Eurostat data which indicates 30,054 outgoing requests). At the end of 2021, 23,682 of them were still in a Dublin procedure and 6,541 persons were re-channelled from a Dublin procedure to a regular or accelerated procedure (requalifiés). As regards the actual implementation of transfers in 2021, no detailed statistics were available at the time of writing of this contribution.

In the first semester of 2021, the Ministry of Interior indicated that 1,569 transfers carried out for 18,139 outgoing requests, equalling to a 8.6% transfer rate.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

NGOs report challenge related to the concurrent/simultaneous requests introduced by the 2018 reform of asylum law. It provides that an asylum seeker must introduce a residence permit request for medical grounds simultaneously to the asylum request within a limited time period (3 months following the asylum registration). NGOs underline several legal gaps which create inconsistent practices by authorities at regional level (Préfecture), which impact directly asylum seekers, including vulnerable ones.

First, the legal framework authorizes the asylum seeker to introduce a residence permit request beyond the 3 months period in case of "new circumstances, including for health reasons", without providing detailed instructions on the assessment procedure of these new elements. Consequently, the Préfectures must evaluate health information without being authorized to access health data (due to medical confidentiality) and without expert support for medical professionals.

Secondly, unaccompanied minors who lodge an asylum application cannot introduce a residence permit request for health reasons. But when they turn eighteen and they meet the criteria, several practices by the Préfecture are reported, including the refusal to introduce a residence permit request as long as the asylum procedure is not closed.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

New national mechanism with specific accommodation places (around 300 places) for asylum seekers and beneficiaries of international protection victims of human trafficking or victims of gender based violence.

Remaining issues regarding the limited reception capacity at national level, half of eligible asylum seeker to material reception conditions are not accommodated properly deteriorating the vulnerability of asylum seeker.

A call for proposals was published by the Ministry of Interior (General direction of foreigners in France - DGEF) to specialize existing accommodation places for LGBTI+ asylum seekers, it is not a creation of new places. The proposals must respect several rules for vulnerable asylum applicants (security, accessibility, integration perspectives, reinforced social and medical support services). However, the call does not intend to allocate additional funds to cover the new costs incurred. Following this publication, several NGOs, including Forum réfugiés-Cosi, sent a joint letter to the DGEF to underline the lack of capacity to implement these specific accommodation places without additional funds.

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

In 2017, the Government set a target processing time of 2 months for asylum applications examined by OFPRA. However, the average first-instance processing time for all procedures was 258 days in 2021, compared to 262 days in 2020 (in the context of COVID-19). The backlog of pending cases reached 49,500 as of the end of 2021 (compared to 84,000 in 2020).

OFPRA also conducts decentralised and external missions in order to accelerate the examination of claims from seekers with specific nationalities or having specific needs. This means that interviews are being held in certain cities, instead of being held on the premises of OFPRA in the Paris region. This has resulted in 2342 decentralised missions in 2018, 42 in 2019, 23 in 2020 and 50 in 2021 especially in Bordeaux, Lille, Lyon, Metz, Strasbourg, and overseas (6 missions in Mayotte).

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

In 2021, the CNDA registered 68 243 appeals and took 68 403 decisions, compared to 46 043 appeals and 42 025 decisions in 2020. The number of decisions taken by the Court in 2021 is the higher number

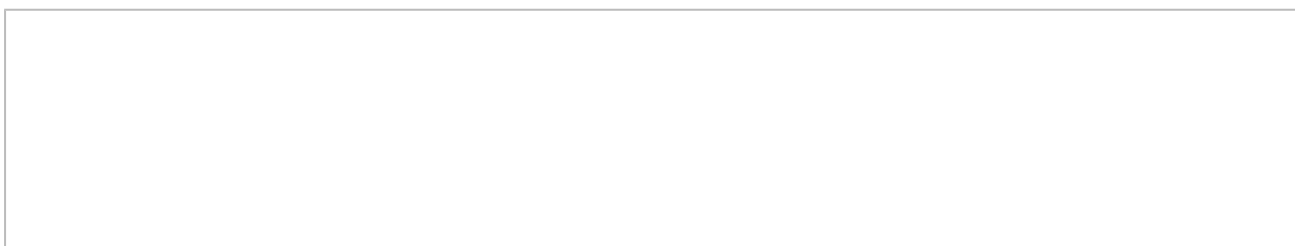
ever known since its creation.

In 2021, the CNDA took 40 438 decisions in collegial function, up to 23 149 collegial decisions in 2020. During that year, it further took 27 965 single-judge decisions following a hearing or by order, compared to 18 876 in 2020.

The average processing time for the CNDA to take a decision decreased to 7 months and 8 days in 2021 compared to 8 months and 8 days in 2020. During 2021, the average processing time is 8 months and 16 days for the regular procedure; and 4 months for the accelerated procedure.

Furthermore, the Council of State has recently confirmed rejections by order practiced by the Court, deciding that the CNDA can reject an appeal by order even if the applicant has announced a complementary statement and even if the appeal deadline is not expired yet. (Council of State, Decision n° 447293 of 10 november 2021, available in French)

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)



11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Publication on May 201 by the Ministry of Interior of a new national action plan on vulnerability of asylum seekers and refugees published : <https://www.interieur.gouv.fr/actualites/actu-du-ministere/10-actions-pour-renforcer-prise-en-charge-demandeurs-dasile-et-des>

The plan intends to build a clear and smooth process, and to provide effective and appropriate care. Early identification of vulnerabilities is one of the main challenges, given the difficulties to identify and refer, reducing the scope of adapted services. While this government plan contains significant progress, we regret the lack of specific financial resources, and the recommendations focusing on the coordination and the pooling of existing resources, which are often undersized. A strategic committee will meet twice per year under the supervision of the DGEF, for the evaluation and monitoring. Moreover, the three months period to access health insurance for asylum seekers create many difficulties to access care services and goes in opposition with the Vulnerability Plan.

Recoding of the Code of Entry and Residence of Foreigners and of the Right to Asylum entered in force in May 2021. The recoding has modified several provisions for victims of human trafficking. If they lodged a complaint which was followed by a final conviction, the victim should benefit first from a residence permit to access a residence card avec conviction. Right to work is not mentioned anymore in the temporary residence card granted after lodging a complaint.

On January 1, 2020, the decree of 30 December 2019 establishing a waiting period of three months for the affiliation of asylum seekers to the universal health protection (PUMa). This measure has arisen many concerns in civil society organization. Forum Réfugiés-Cosi and several other associations contested before the Council of State the legality of this measure, which they consider in particular to be contrary to the law European. More broadly, the implementation of this reform poses significant difficulties, identified on many territories. Asylum seeker face important obstacles to access basic medical care during the first months of

their procedure, but also to mental health services. Vulnerability assessment is also impacted since it should be partly based on a medical record filled in by a doctor which is now usually missing.

Two years after the introduction of the waiting period, several difficulties relating to access to health of asylum seekers have been noted, complicating the daily lives of asylum seekers and the mission of the professionals who support them. While health issues are particularly critical in a context of pandemic and it highlighted the need to implement public health policies including all people residing in the territory, the removal of this measure seems to be necessary. Several NGOs has introduced a complaint before the Council of State questioning the lawfulness of the measure with European law (Reception Directive). However it has been rejected in 2021.

Forum réfugiés-Cosi and its European partners Churches' Commission for Migrants in Europe (CCME, Belgium), Immigrant Council of Ireland (ICI, Ireland), Italian Council for Refugees (CIR, Italy), Organization for Aid to Refugees (OPU, Czech Republic) publish the final results of the EU-funded TRIPS project on the identification of trafficked international protection beneficiaries' specific needs related to integration, including a European comparative report and its summary, as well as a European toolbox for practitioners and four national toolboxes (France, Ireland, Italy and Czech Republic).

All deliverables are available on this webpage: <https://www.forumrefugies.org/s-informer/publications/rapports/1003-resultats-du-projet-europeen-trips-results-of-the-trips-european-project>

12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

13. Return of former applicants for international protection

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

OFPRA also continued its missions abroad. In 2021, this included 21 missions in cooperation with UNHCR to resettle refugees especially from Lebanon, Jordan, Cameroun, Egypt and Rwanda as well as 9 missions in Europe for relocalisation from Greece and Italy.

Important mobilization of asylum actors as part of the evacuations operations for Afghans before and after

the fall of Kabul.

According to the Ministry of Interior: 1 649 were resettled in France in 2021 (initial pledge: 5 000)

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

17. Other important developments in 2021

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

AIDA report on France

19. Feedback or suggestions about the process or format for submissions to the Asylum Report

Please upload your file

The maximum file size is 1 MB

Contact details

* Name of organisation

Forum réfugiés-Cosi

Name and title of contact person

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

Useful links

[EASO Asylum Report 2021 \(https://euaa.europa.eu/easo-asylum-report-2021\)](https://euaa.europa.eu/easo-asylum-report-2021)

[Executive Summary -EASO Asylum Report 2021 \(https://euaa.europa.eu/executive-summary-asylum-report-2021\)](https://euaa.europa.eu/executive-summary-asylum-report-2021)

[Bibliography for the EASO Asylum Report 2021 \(https://euaa.europa.eu/sites/default/files/EASO_Asylum_Report_2021-Bibliography.pdf\)](https://euaa.europa.eu/sites/default/files/EASO_Asylum_Report_2021-Bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://euaa.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://euaa.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[National asylum developments database \(https://euaa.europa.eu/national-asylum-developments-database\)](https://euaa.europa.eu/national-asylum-developments-database)

[EASO Asylum Report 2021 Key Findings \(https://euaa.europa.eu/sites/default/files/key_findings.pdf\)](https://euaa.europa.eu/sites/default/files/key_findings.pdf)

[EU+ and Country Data \(https://euaa.europa.eu/sites/default/files/europe-country-data-2020.pdf\)](https://euaa.europa.eu/sites/default/files/europe-country-data-2020.pdf)

Background Documents

[Input by civil society to the 2022 Asylum Report.docx](#)

Contact

[Contact Form](#)

